UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,058	09/26/2001	Daniel Travis Lay	10015670-1	1415

7590   08/12/2005

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EXAMINER
DULANEY, BENJAMIN O

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/964,058	LAY, DANIEL TRAVIS
	Examiner	Art Unit	
	Benjamin O. Dulaney	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1,2,4,6,10,12,14, and 21 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent 5,703,700 by Birgmeir et al ("Birgmeir").

Regarding claim 1, Birgmeir teaches a method for optimizing transparency

printing, comprising the steps of: analyzing a document that is to be printed on a

transparency (column 4, line 41 – column 5, line 2); determining whether formatting of

the document is optimized for transparency printing (column 4, line 67 – column 5, line

41); and alerting a user if the document formatting is not optimized for transparency

printing (column 5, lines 7-14).

Regarding claim 2, Birgmeir teaches the step of receiving an indication that a

document is to be printed on a transparency prior to analyzing the document (column 4,

line 41 – column 5, line 2).

Regarding claim 4, Birgmeir teaches the step of analyzing the document

comprises analyzing colors used to create the document (column 5, lines 18-29).

Regarding claim 6, Birgmeir teaches the step of determining whether the

document formatting is optimized for transparency printing comprises determining

whether the document formatting will result in a clear, high resolution projected image.

(column 5, lines 41-45).

Regarding claim 10, Birgmeir teaches a system (Figure 1) for optimizing

transparency printing, comprising: means (calculating unit 13) for analyzing a document

(column 4, line 41 – column 5, line 2); means (calculating unit 13) for determining

whether the document formatting is optimized for transparency printing (column 4, line

67 – column 5, line 41); and means (keys 12a-12f) for alerting a user if the document

formatting is not optimized for transparency printing (column 5, lines 7-14).

Regarding claim 12, Birgmeir teaches the means (calculating unit 13) for

analyzing the document comprise (control unit 14) means for analyzing colors used to

create the document (column 5, lines 18-29).

Regarding claim 14, Birgmeir teaches a method for optimizing transparency

scanning; comprising the steps of: analyzing a document to be scanned to determine

whether the document is a transparency document (column 4, line 41 – column 5, line 2); determining whether the scanning resolution is appropriate for scanning a transparency where the document is determined to be a transparency document (column 5, line 27-30); and alerting a user if the scanning resolution is not appropriate for scanning a transparency where the document is a transparency document and the scanning resolution is inappropriate (column 5, lines 10-14).

Regarding claim 21, Birgmeir teaches a system for optimizing transparency scanning; comprising: means for analyzing a document to be scanned to determine whether the document is a transparency document (column 4, line 41 – column 5, line 2); determining whether the scanning resolution is appropriate for scanning a transparency where the document is determined to be a transparency document (column 5, line 27-30); and alerting a user if the scanning resolution is not appropriate for scanning a transparency where the document is a transparency document and the scanning resolution is inappropriate (column 5, lines 10-14).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birgmeir as applied to claims 1 and 10 (respectively) above, and further in view of U.S. Patent 6,753,976 by Torpey et al ("Torpey").

Birgmeir does not disclose the step of analyzing the document comprising analyzing font sizes used in the document.

Torpey does disclose the step of analyzing the document comprising analyzing font sizes used in the document (column 16, line 61 – column 17, line 28).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birgmeir by Torpey to analyze font sizes in order to improve print quality.

5.   Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birgmeir as applied to claims 1 and 10 (respectively) above, and further in view of U.S. Patent 6,753,976 by Torpey et al ("Torpey").

Birgmeir does not teach analyzing the document comprising analyzing the printing resolution to be used to print the document.

Torpey teaches analyzing the document comprising analyzing the printing resolution to be used to print the document (column 12, lines 1-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birgmeir by Torpey to analyze printing resolution in order to improve print quality.

6.   Claims 7,8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Birgmeir as applied to claim 1 above, and further in view of U.S. Patent 6,552,813

by Yacoub ("Yacoub").

Birgmeir, Regarding claim 7, does not teach alerting a user if the document

formatting is not optimized for transparency printing comprising facilitating presentation

of a warning dialogue box to the user.

Yacoub does teach alerting a user if the document formatting is not optimized for

transparency printing comprising facilitating presentation of a warning dialogue box to

the user (column 10, lines 5-27).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Birgmeir by Yacoub to display a warning dialogue box,

since it gives more preferences to the user.

Regarding claim 8, Birgmeir does not teach suggesting alternative formatting

where the document formatting is not optimized for transparency printing.

Yacoub does teach the step of suggesting alternative formatting where the

document formatting is not optimized for transparency printing (column 10, lines 5-27).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Birgmeir by Yacoub to suggest alternate formatting, since

it gives more preferences to the user.

Regarding claim 9, Birgmeir teaches automatically adjusting the document

formatting for the user such that the document formatting is optimized for transparency

printing (Column 5, lines 20-22).

7.   Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Birgmeir as applied to claim 14 and 21 (respectively) above, and further in view of

U.S. Patent 5,381,526 by Ellson ("Ellson").

Birgmeir does not teach the step of analyzing the document comprising

conducting an initial scan of the document and detecting the reflectivity observed during

the initial scan.

Ellson does teach the step of analyzing the document comprising conducting an

initial scan of the document and detecting the reflectivity observed during the initial scan

(column 4, lines 17-37).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Birgmeir by Ellson to detect reflectivity, so that this

information could be recorded/digitized.

8.   Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Birgmeir as applied to claim 14, and 21 (respectively) above, and further in view of

U.S. Patent 5,283,671 by Stewart et al. ("Stewart").

Birgmeir does not teach the step of analyzing the document comprises

conducting an initial scan of the document and detecting the brightness observed during

the initial scan.

Stewart does teach the step of analyzing the document comprises conducting an initial scan of the document and detecting the brightness observed during the initial scan (column 5, lines 1-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birgmeir by Stewart to detect brightness, so that this information could be recorded/digitized.

9.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birgmeir as applied to claim 14 above, and further in view of U.S. Patent 6,753,976 by Torpey et al ("Torpey").

Birgmeir does not teach the step of determining whether the scanning resolution is appropriate comprises determining whether a selected scanning resolution is at least a minimum scanning resolution threshold.

Torpey does teach the step of determining whether the scanning resolution is appropriate comprises determining whether a selected scanning resolution is at least a minimum scanning resolution threshold (column 12, lines 1-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birgmeir by Torpey to analyze scanning resolution in order to improve scanning quality.

10.   Claims 18,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Birgmeir as applied to claim 14 above, and further in view of U.S. Patent 6,552,813

by Yacoub ("Yacoub").

Regarding claim 18, Birgmeir does not teach the step of alerting a user if the

scanning resolution is not appropriate for scanning a transparency comprises facilitating

presentation of a warning dialogue box to the user.

Yacoub does teach the step of alerting a user if the scanning resolution is not

appropriate for scanning a transparency comprises facilitating presentation of a warning

dialogue box to the user (column 10, lines 5-27).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Birgmeir by Yacoub to display a warning dialogue box,

since it gives more preferences to the user.

Regarding claim 19, Birgmeir does not teach the step of suggesting an

alternative scanning resolution where the scanning resolution is not optimized for

transparency scanning.

Yacoub does teach the step of suggesting an alternative scanning resolution

where the scanning resolution is not optimized for transparency scanning (column 10,

lines 5-27).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Birgmeir by Yacoub to suggest alternate resolution, since

it gives more preferences to the user.

Regarding claim 20, Birgmeir teaches automatically adjusting the document

formatting for the user such that the document formatting is optimized for transparency
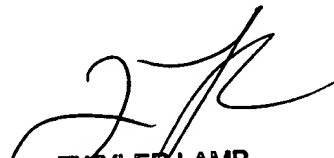
scanning (Column 5, lines 20-22).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin O. Dulaney whose telephone number is (571)

272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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BOA

TWYLER LAMB
PRIMARY EXAMINER